

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Barry Appelman et al.

Art Unit : 2142

Serial No. : 09/842,024

Examiner : Cheryl M. Reid

Filed : April 26, 2001

Title : TARGETED NOTIFICATION OF USERS OF A COMMUNICATIONS  
SYSTEM

**MAIL STOP AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION

In response to the notice of improper request for continued examination, Applicant submits a new request for continued examination, which requests consideration of the reply to office action filed October 25, 2005 and the information disclosure statement filed October 13, 2005. Because the current request for continued examination is accompanied by a submission, Applicant submits that it is proper.

No request for continued examination fee is believed to be due because it was submitted with the request filed October 13, 2005. However, if any fees are due, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 11/14/05

Kevin E. Greene

Reg. No. 46,031

Fish & Richardson P.C.  
1425 K Street, N.W.  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450  
Alexandria, VA 22313-1450  
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DATE MAILED:

**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on 10/13/05 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

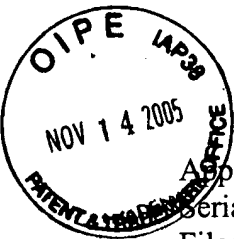
**Note:** A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date **on or after June 8, 1995** will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

**A copy of this Notice MUST be returned with the reply.**

Direct any questions concerning this notice to

Susan Ford, Technology Center 2100

(571) 272-3579



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Applicant : Barry Appelman et al.      Art Unit : 2142  
 Serial No. : 09/842,024      Examiner : Cheryl M. Reid  
 Filed : April 26, 2001      Confirmation No.: 6929  
 Title : TARGETED NOTIFICATION OF USERS OF A COMMUNICATIONS  
 SYSTEM

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

TRANSMITTAL LETTER AND PETITION FOR AUTOMATIC EXTENSION

Correspondence relating to this application is enclosed. The required fees are computed below. Please apply any charges not covered, or any credits, to Deposit Account No. 06-1050.

Total Claims	16	-	20	=	0.	\$0
Independent	3	-	3	=	0	\$0
First Presentation of Multiple Dependent Claims						\$0

Applicant hereby petitions under 37 C.F.R. §1.136 for a 2 month extension of time.

Minus 1 month extension of time previously submitted on October 13, 2005	-	\$120
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TOTAL FEE DUE	\$330
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A check for \$330 is attached.

Respectfully submitted,

Date: 11/14/05

Kevin E. Greene  
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